

FULL NAME

TERAL SHERMAN

COMMITTED NAME (if different)

FULL ADDRESS INCLUDING NAME OF INSTITUTION

CIM CHINO P.O. BOX 600

CHINO CALIFORNIA 91708

PRISON NUMBER (if applicable)

AM 6206

FILED
CLERK, U.S. DISTRICT COURT

7/8/22

CENTRAL DISTRICT OF CALIFORNIA

BY: EEE DEPUTY

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

TERAL SHERMAN

PLAINTIFF,

v.

JAMES S. HILL, Warden

M. TORRES, LT. et al. DEFENDANT(S).

CASE NUMBER 2:22-CV-04676-SSS(JDE)

To be supplied by the Clerk

CIVIL RIGHTS COMPLAINT

PURSUANT TO (Check one)

☒ 42 U.S.C. § 1983☐ Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

1. Have you brought any other lawsuits in a federal court while a prisoner: ☐ Yes ☒ No
2. If your answer to "1." is yes, how many? _____

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

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1 of 3	REQUEST TO PROCEED WITHOUT PREPAYMENT.
1 of 6	CIVIL RIGHTS COMPLAINT.
6	REQUEST FOR RELIEF.
1 of 49	GRIEVANCE PROCEDURE COMPLETION.

- a. Parties to this previous lawsuit:
 Plaintiff N/A
N/A
 Defendants N/A
N/A
- b. Court N/A
N/A
- c. Docket or case number N/A
- d. Name of judge to whom case was assigned N/A
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) N/A
- f. Issues raised: N/A
N/A
N/A
- g. Approximate date of filing lawsuit: N/A
- h. Approximate date of disposition N/A

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? ☒ Yes ☐ No
2. Have you filed a grievance concerning the facts relating to your current complaint? ☒ Yes ☐ No

If your answer is no, explain why not N/A

N/A

N/A

3. Is the grievance procedure completed? ☒ Yes ☐ No

If your answer is no, explain why not N/A

N/A

4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff TERAL SHERMAN
(print plaintiff's name)

who presently resides at CIM CHINO 06-C124 Low P.O. BOX 600 Chino CA 91708
(mailing address or place of confinement)

were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at

CIM CHINO CHINO CALIFORNIA 91708
(institution city where violation occurred)

on (date or dates) 12-14-2020, 2-10-21

(Claim I)

(Claim II)

(Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant M. TORRES resides or works at
(full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
(full address of first defendant)
FACILITY "D" LIEUTENANT
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Lieutenant M. Torres conspired with Lieutenant Lamboy to violate my Liberty/Freedom in Retaliation for LT. Lamboy as the Hearing Officer for the RVR

2. Defendant D. MORTIMER resides or works at
(full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
(full address of first defendant)
FACILITY "D" CAPTAIN
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Captain Mortimer conspired with LT. Torres to assist him in Retalating against me for LT. Lamboy as the approving Supervisor

3. Defendant M. MARIN # 30376 resides or works at
(full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
(full address of first defendant)
CORRECTIONAL OFFICER
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☐ individual ☐ official capacity.

Explain how this defendant was acting under color of law:

Correctional Officer M. Marin conspired with LT. Lamboy LT. Torres and Sgt. BROWN To Violate my Liberty/Freedom as the search and evidence officer

4. Defendant K. BROWN _____ resides or works at _____
(full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
(full address of first defendant)
FACILITY "D" SERGENT 3RD WATCH
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Sergeant K. Brown conspired with LT. Lamboy, LT. Torres and Correctional Officer M. Marin to violate my Liberty/Freedom as the search supervisor

5. Defendant P. YBARRA _____ resides or works at _____
(full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
(full address of first defendant)
LIEUTENANT CLASSIFIER OF RVR
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

Lieutenant P. Ybarra conspired with Sgt. Brown, LT. Torres and LT. Lamboy to violate my Liberty/Freedom by classifying the RVR as unauthorized possession contrary to the RVR facts

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

INVESTING AND RVR HEARING LIEUTENANT
(defendant's position and title, if any)

Explain how this defendant was acting under color of law:

INVESTING AND RVR RECLASSIFYING LT,
(defendant's position and title, if any)

Explain how this defendant was acting under color of law:

Classifying RVR Lieutenant
(defendant's position and title, if any)

Explain how this defendant was acting under color of law:

(V-66 (7-97))

9.4. Defendant L. VASQUEZ resides or works at
(full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
(full address of first defendant)
RVR RECLASSIFYING APPROVAL LIEUTENANT
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

LT. L. Vasquez conspired with LT. Thomas and illegally reclassify the RVR in retaliation for LT. Thomas and LT. Lamboy because I refuse to be a snitch

10.5. Defendant E. SANTA CRUZ resides or works at
(full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
(full address of first defendant)
RVR CLASSIFIED APPROVAL & REVISED LT
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): ☒ individual ☒ official capacity.

Explain how this defendant was acting under color of law:

LT. E. Santa Cruz conspired with LT. LAMBOY and LT. THOMAS and did revise an illegal RVR in retaliation because I refuse to be a snitch.

11. Defendant F. SANCHEZ resides or works at _____
 (full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
 (full address of first defendant)
FACILITY D SECURITY CORRECTION OFFICER
 (defendant's position and title, if any)

As The assisting investigating Officer CO. F. Sanchez conspired with LT. Lamboy and did Classify Tobacco as Dangerous Contraband because I refuse to be a snitch

12. Defendant LIEUTENANT BLACKMAN resides or works at
(full name of first defendant)
CHENO STATE PRISON CHENO CALIFORNIA 91708
(full address of first defendant)
ASSIGNMENT LIEUTENANT FACILITY D
(defendant's position and title, if any)

LT. Blackman conspired with LT. Lambory and did illegally remove me from my Job Assignment in retaliation for LT. Lambory

13. Defendant JAMES S. HILL resides or works at _____
(full name of first defendant)
CHINO STATE PRISON CHINO CALIFORNIA 91708
(full address of first defendant)
WARDEN
(defendant's position and title, if any)

As the Warden of CIM he was informed by the Office of Internal Affairs of my complaint against his Lieutenants, and done nothing to protect me from their ill actions of retaliations

D. CLAIMS*

CLAIM I

The following civil right has been violated:

On 12, 14, 2020, and 02, 10, 2021, the violations of my civil right under the 8th, 13, 14, and 19 amendment began, and continue, that has cause me harm mental stress, and unsettling nerves as to what will happen to me next in violating my constitutional right to Freedom of Liberty as will be made clear in the facts stated below and the attached supporting documents of the actions of each defendant.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

Defendant 1. M. Torres On 5-19-2021 called me to facility D Program Office for the RVR hearing, because the witnesses were not present. Captain J. Sheppard, Sergeant K. Brown and Officer M. Marin, the hearing was postpone. On 5-20-2021 the hearing continue with only Officer M. Marin being allowed. Although I requested Captain J. Sheppard as an expert witness on evidence collection the request was denied "SEE SUPPORTING DOCUMENT Page 22. During the hearing process I asked Officer M. Marin one question "SEE" also page 22. At the conclusion of the hearing with the RVR report only LT. M. Torres found me guilty of constructive possession, however once I received the final copy I learned that LT. M. Torres changed his findings to Possession in doing so he clearly stated false evidence that the Prison records show without doubt as false evidence. LT. Torres stated in his findings that I was "cont.

*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

Continue from Page 5 - 1.

an (HFM) worker from 2017 until the violation date of February 10, 2021 is very false SEE; also Page 22(b), because I was illegally removed from (HFM) on 12, 16, 2020 which I did appeal and the appeal was granted. SEE; Supporting Documents Page 31(b). I was removed from (HFM) because I refuse to put my life in danger by becoming a snitch for LT. Lamboy about who is bring in tobacco. Also SEE; Page 44, 44(b). LT. Torres assessed 120 days of my earned credits which he learned that he could not assess any credit loss for constructive Possession nor is it a DA Referral SEE; Page 34. LT. Torres Clearly Violated my Libert by keep me in prison for an additional 120 days with false evidence.

Defendant 2. Captain Mortimer, who did review LT. Torres initial findings and refuse to accept the findings emailed LT. Torres and told him he needs more that that which led to LT. Torres changing his findings all for LT. Lamboy. On July 7, 2021 Captain Mortimer interviewed me regarding my 602 appeal for the guilty findings where he refuse to address my claim of false evidence by LT. Torres SEE Page 25, 26 and 27

Continue Page 5-2.

Defendant 3, Officer M. Marin 2-10-2021 at approximately 4:30 PM which is count time to search all the inmates in the housing unit which houses about 150 inmates was ordered to sit on the floor next to their assign bunk. ~~For~~ Officer M. Marin approached my bed area called me by name after speaking with the officer who had initiated the search of me and my bunk area SEE: Page 17. 30 seconds into the search I was cuffed up. ~~For~~ There were No Photos taken of my property or bunk area as required by CDC rules, and I did not learn of any contraband until I was put in holding after a medical drug test for needle marks. Although the RVR report is written as constructive Possession I was charged with Possession with no facts to prove the Rule Violation

NOTE: The same 120 days lost of credit that Lt. Lamboy took from me illegally was reversed SEE Page 45. I was charged with this 115 rule violation 9 days latter, and the 120 days was again assessed.

Continue From Page 5-3

Defendant 4. Sergeant K. Brown on 2,10,2021

did approve of the search as the search supervisor as well as the evidence and how it was collected.

Defendant 5. Lieutenant P. Ybarra on 2-16-2021

did illegally classify the RVR as a Division C knowing that the rule of law and the facts of the RVR do not support the offense SEE Page 18.

Defendant 6. LT. Lamboy on 12-14-2020 interviewed me about the possession of Tobacco and wanted me to tell him which Correctional Officer was bringing in the Tobacco, I responded that I was not a snitch, he stated that if I did not tell him he would have the RVR classified as dangerous Contraband SEE Page 38, I responded that I found it on the ground and that I would never put my life in danger by being a snitch. The next day on 12,15,2020 he had me moved from a single cell to a dorm with 38 other inmates putting my life in danger of catching Covid, within about 10 days 34 of the inmates tested positive for Covid I lived in fear because I have Asthma. He then had the RVR Reclassified to Accessory to any Felony in which he went on to find me

Continue from Page 5. - 4

guilty of which was then order Reissue/Rehear
SEE: Page 45 also Pages 36 Thru 45 All that
was done is in Retaliation because I
refuse to put my life in danger by being
a snitch for LT. Lamboy

Defendant 7. Lieutenant T. Thomas on 1-3-2021
interviewed outside of Unit 04 in the presence
of Sergeant Parker and Sergeant VanPulgent
stated to me that if I did not give him a
source on who's bringing in the Tobacco the
RVR would be reclassified to Accessory to any
felony, he followed up on his Threat by
illegally Re Classifying another Lieutenant's
RVR SEE: Page 39 and 47, 48, 49, he did
follow up on his Threat in Retaliation for LT. Lamboy.

Defendant 8. Lieutenant J. Grove on 12, 16-2020
did illegally classify the RVR as Dangerous
contraband knowing that Tobacco is only
contraband which violated my Due Process
Rights.

Defendant 9. L. Vasquez on 12, 28, 2020 did
approve of an illegal Supplemental Report
in Violation of my Due Process Right SEE: P. 39

Defendant 10. Lieutenant E. Santa Cruz
on 1-7-2021 did illegally Re Classify and
Revised another Lieutenant's RVR, SEE: Page 39

Continue from Page 5-5.

Defendant 11. F. Sanchez on 12-14-2020

did Retaliate for LT. Lamboy and illegally
classify Tobacco/contraband as dangerous
contraband Violating my Due Process Right
SEE: Page 38

Defendant 12. Lieutenant Blackman on 12-16-2020

did illegally remove me from my work assignment
(HFM) which was clearly done for LT. Lamboy
in retaliation because I refuse to put my
life in danger and snitch on another
correctional Officer SEE: Page 31(b)

Defendant 13. Warden James S. Hill on 5-24-2021

was clearly made of the ill actions being
done to me by his staff and done nothing
to protect me from harm which I am
now doing an illegal 120 days longer
in prison because I refuse to be a
snitch for Lt. Lamboy or Lt. Thomas
SEE: All Supporting Documents

E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

Punitive Damages in the amount of 5,000 dollars for each defendant for each day I was made to server of the 120 days that was illegally done that has cause me great pain and suffering that was clearly malicious done Also Court Cost and Attorney fees.

July 8, 2022

(Date)

Leral Sherman

(Signature of Plaintiff)